

REMARKS

This Amendment is in response to the Office Action of June 30, 2006 in which the Examiner rejected claims 1-14 as allegedly anticipated by Flachenecker *et al.*, .U.S. Patent No. 4,818,954. According to the Examiner, Flachenecker *et al.* discloses a method for regulating the power available at the manipulator of an electronic scalpel having a rectifying circuit.

The Examiner's rejection of the claims is respectfully traversed for the reasons set forth below.

The reference is directed to a high frequency generator for electrosurgery employing an automatic power control. Such power control is achieved by varying the oscillator frequency until the phase shift between the output voltage and the output current of the power amplifier assumes a predetermined, preset value. The value of the phase shift corresponds to optimal value at which the power amplifier encounters optimal operating conditions for power output, stability and possibly low distortion. Generally speaking, the value of the phase shift is zero, in which case the amplifier operates on a real load. See column 3, line 61 – column 4, line 23. According to the reference, therefore, the two main devices affecting control are a phase measuring device and a harmonic measuring device. However, the present invention does not seek to automatically control the output of the high frequency generator at the manipulator. This is because the output power depends on the surgical use (application) of the electronic scalpel. See for example Table 1 on page 7, which illustrates the surgical applications and the scalpel power requirements.

In the invention, the harmonic frequencies of the second, third and fourth level are used, because they circulate in the wide pass-band resonant circuit. In contrast, in the reference, the harmonics are cut or filtered with low-pass filters and the like. In effect, the reference uses only the main high frequency to control the scalpel power. The present invention uses the main high frequency together with at least two or three harmonic frequencies. This feature is more clearly set forth in the amended claim.

It should also be understood that the reference does not mention the need to maintain a specific range of temperature during operation of the scalpel. In the present invention, the temperature range is about 50 to 75°C which allows the denaturation of the fibrinogen and its transformation into fibrin during surgery. This feature is more clearly recited in amended claim 2.

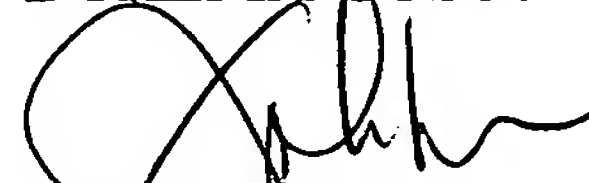
Claims 1, 2 and 4-14 have also been amended in order to delete reference numbers.

In view of the foregoing, it is respectfully requested that the Examiner reconsider her rejection of the claims, the allowance of which is earnestly solicited.

The Director is authorized to charge the any fees that may be required to Deposit Account 04-2223 or to credit any overpayment thereto.

Respectfully submitted,

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